

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence, including listed enclosures is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office's Patent Electronic Business Center on:

Dated: 7.30.2009  
Signed: Leon R. Rivera

PATENT

Attorney Docket No.: 101961-01-5142-US02  
Client Ref. No.: 7994.204-US  
(NEO00293US371)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DeFrees et al.

Application No.: 10/579,621

Filed: February 21, 2007

For: Glycopegylated Erythropoietin

Customer No.: 43850

Confirmation Number: 9539

Examiner: HEARD, Thomas S.

Art Unit: 1654

LETTER TO EXAMINER AND STATEMENT OF  
RELATEDNESS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In view of *Dayco Products Inc. v. Total Containment Inc.*, 66 USPQ2d 1801 (Fed. Cir. 2003) and *McKesson Information Solutions Inc. v. Bridge Medical Inc.*, 82 USPQ2d 1865 (Fed. Cir. 2007) and in satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), Applicants note that the present application is related to the following pending patent applications:


11/982,444, 12/4956,595, 11/644,014, 12/101,389, 10/556,094, 10/549,528, 10/565,331, 10/549,445, 10/585,385, 11/843,588, 11/981,483, 11/982,273, 12/184,956, 10/581,538, 10/586,166, 11/794,555, 11/792,610, 11/632,005, 11/659,942, 11/665,908, 12/092,563, 11/396,215, 11/440,839, 11/914,104, 11/402,105, 11/910,958, 11/915,239, 11/580,669, 12/064,012, 12/152,587, 11/781,885, 11/781,888, 11/781,896, 11/781,900, 11/781,902, 11/866,969, 11/934,700, 12/444,380, 12/418,530, 11/867,553, 12/443,428, 10/497,284, 11/658,218, 12/201,705.

The Examiner is encouraged to review the art made of record, any Office Action, and any Notice of Allowance in the above-mentioned related application. Applicants assume that due to the ease of review on PAIR by the Examiner, Applicant need not submit copies of the individual Office Actions and/or Notices of Allowance. Applicants assume that the Examiner is aware that prosecution is ongoing in the above-referenced case, and that the Examiner will continue to evaluate this case as needed.

However, further in view of *Larson Mfg. Co. v. Aluminart Products Ltd.* No. 2008-1096, -1174 (Fed. Cir. March 18, 2009), courtesy copies of the Office Actions received by applicants and/or their representatives as of the date of submission of this document in the abovementioned copending applications and other related applications are attached.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0310. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Tao Huang  
Reg. No. 60,008

07/27/2009

MORGAN, LEWIS & BOCKIUS, LLP  
One Market, Spear Street Tower  
San Francisco, California 94105  
Direct Dial: 415.442.1302  
Tel: 415.442.1000  
E-Fax: 415.442.1001  
E-mail: [thuang@morganlewis.com](mailto:thuang@morganlewis.com)

DB2/21076882.1